

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

TANYA ANN FRAZER,

Plaintiff,

vs.

CIV. NO. 1:23-cv-00473-KG-JHR

MARTIN O'MALLEY,
Commissioner of Social
Security,

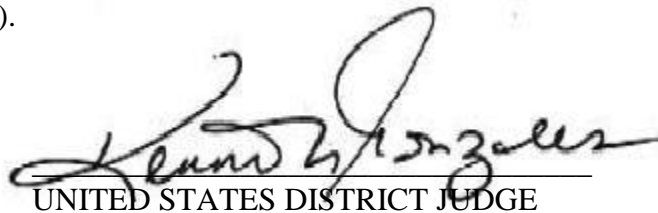
Defendant.

ORDER

Upon consideration of the Stipulated Motion for Award of Attorney Fees Under the Equal Access to Justice Act (EAJA), 28 U.S.C. § 2412, the Court finds the Motion (Dkt. No. 32) should be GRANTED.

IT IS THEREFORE ORDERED that Plaintiff is awarded attorney fees in the amount of \$6,240.00 under the Equal Access to Justice Act, 28 U.S.C. § 2412, made payable to Plaintiff as the prevailing party herein and Plaintiff is also entitled to costs in the amount of \$402.00, which is to be paid from the Department of Justice's Judgment Fund, 28 U.S.C. § 2412, not agency funds.

IT IS FURTHER ORDERED THAT, if Plaintiff's counsel is subsequently awarded any fees pursuant to 42 U.S.C. § 406(b), he must refund the smaller award to Plaintiff pursuant to *Weakley v. Bowen*, 803 F.2d 575, 580 (10th Cir. 1986).



UNITED STATES DISTRICT JUDGE

SUBMITTED AND APPROVED BY:
Electronically submitted October 1, 2024
VICTORIA V. JOHNSON
Special Assistant United States Attorney

Electronically approved October 1, 2024
BENJAMIN EILERS DECKER
Attorney for Plaintiff